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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,884	11/24/2000	Emden Gansner	1999-0730	4129
<div>7590 02/15/2008</div> <div>Samuel H. Dworetsky AT&T CORP. P.O. BOX 4110 Middletown, NJ 07748-4110</div>				
			<div>EXAMINER</div> <div>PANNALA, SATHYANARAYA R</div>	
			<div>ART UNIT</div> <div>2164</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>02/15/2008</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/721,884

Applicant(s)

GANSNER ET AL.

Examiner

Sathyanarayan Pannala

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2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's Amendment filed on 12/4/2007 has been entered with amended claims 1. Claims 1-17 are pending in this Office Action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 8 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure, which is not enabling. The disclosure does not support the term/phrase "telecommunications arrangement" and "schema file". Is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The disclosure does not support the term/phrase "telecommunications arrangement" and "schema file" and they are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention.

6. Claims 1, 8 are rejected under 35 U.S.C. 112, second paragraph, as the phrase "that enables" and "that had been" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 101

7. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-17 are rejected under 35 U.S.C. § 101, because none of the claims are directed to statutory subject matter. Independent claims 1 and 8 merely claiming functional descriptive material, i.e., abstract ideas. Even when a claim that recites a computer that solely calculates a mathematical formula or a computer disk that solely stores a mathematical formula is not directed to the type of statutory subject matter eligible for patent protection. The claims 1-6 are claims steps and they are software per se. and as per specification the visualization interface is module. The claims 8-17 are not producing useful, concrete and tangible results. See *Diehr*, 450 U.S. at 186 and *Gottschalk v. Benson*, 409 U.S. 63, 71-72 (1972).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in

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order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-6, 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US Patent 6,473,080) hereinafter Brown, in view of Lakritz (US Patent 6,526,426) hereinafter Lakritz, and in view of Sattar (US Patent 6,154,728) hereinafter Sattar.

11. As per independent claims 1, 8, Brown teaches the following:

“a visualization interface including display” (as per spec., interface is a module) (Fig. 1, col. 6, lines 27-40);

“a plurality of processing tools” (Fig. 1, col. 6, lines 30-34);

“means for accessing a plurality of said data files, information about the data in file, or a data record schema associated with said file” (Fig. 1, col. 5, lines 55-65 and col. 6, line 63 to col. 7, line 2).

Brown does not explicitly teach streaming the data. However, Lakritz teaches “means that enables streaming the data of said files to and through one or more said processing tools that employ said information, to process the data and thereby create data results for updating one or more objects, which one or more objects may be displayed by the visualization interface on said display” (Fig. 6, col. 7, lines 24-47). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Lakritz's teachings would have

allowed Brown's method provides a variety of translation resources instantly available to the user (col. 2, lines 34-35).

Brown and Lakritz do not explicitly teach using binary format. However, Sattar teaches the claimed, "converting to a self-describing format that includes each data file" (Fig. 4, col. 9, lines 24-30). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Sattar's teachings would have allowed Brown's method provides for inventory management and control for the potentially vast number of field replaceable units (FRUs) in a remote communication site. (col. 2, lines 2-4). Further, the method should be automatic, capable of providing such an inventory and database without user intervention, and also capable of providing such an inventory and database upon user demand (col.2, lines 12-14).

12. As per dependent claims 2, 9, Brown teaches "the visualization interface provides linked views of the data results" (Fig. 1, col. 6, lines 37-40, line 46 and col. 7, lines 30-35).

13. As per dependent claims 3, 10, Brown teaches "the visualization interface is capable of presenting a statistical two-dimensional view, a pixel-oriented two-dimensional view, and a dynamic three-dimensional detailed view" (Fig. 1, 12-13, col. 16, lines 59-61 and col. 7, lines 43-47).

14. As per dependent claim 4, "the visualization interface can access the data results as the processing tools are working on the data" (Fig. 1, col. 6, lines 35-40).

15. As per dependent claims 5, 12, Brown teaches "the visualization interface enables selection of a portion of the data results such that data corresponding to the portion selected may be accessed and processed in real-time to create second data results that are displayed on the visualization interface" (Fig. 1, col. 6, lines 8-11).

16. As per dependent claims 6, 13, Brown teaches "the processing tools enables creation of new processing expressions that are compiled and dynamically linked to the processing tools" (Fig. 5, col. 14, lines 46-49).

17. As per dependent claim 11, Brown teaches claimed "the step of converting provided data files having a format different from the self-describing into said self-describing format" (Fig. 1, col. 6, lines 35-40).

18. As per dependent claim 15, Brown does not explicitly teach workflow pipeline. However, Lakritz teaches the claimed, at least some of the processing tools are processing pipelines (Fig. 6, col. 7, lines 24-47). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Lakritz's teachings would have

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allowed Brown's method provides a variety of translation resources instantly available to the user (col. 2, lines 34-35).

19. As per dependent claim 16-17, Brown and Lakritz do not explicitly teach using binary format. However, Sattar teaches the claimed, "converting to a self-describing format that includes each data file" (Fig. 4, col. 9, lines 24-30). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Sattar's teachings would have allowed Brown's method provides for inventory management and control for the potentially vast number of field replaceable units (FRUs) in a remote communication site. (col. 2, lines 2-4). Further, the method should be automatic, capable of providing such an inventory and database without user intervention, and also capable of providing such an inventory and database upon user demand (col.2, lines 12-14).

20. Claims 7, 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown et al. (US Patent 6,473,080) hereinafter Brown, in view of Lakritz (US Patent 6,526,426) hereinafter Lakritz, in view of Sattar et al.(US Patent 6,154,728) hereinafter Sattar, and in view of admitted prior art (Hereinafter, APA).

21. As per claims 7, 14, Brown Lakritz and Sattar do not explicitly teach accessing the data using direct IO. However, APA teaches accessing data using direct IO (see

the instant application on Page 7, Lines 140-141). It would have been obvious to one of those skilled in the art that there would be a faster way to access data directly from devices instead of normal way of accessing data (page 7, lines 141-142).

Response to Arguments

22. Applicant's arguments filed on 12/4/2007 have been fully considered but they are not persuasive and details as follows:

a) Applicant's argument regarding claims 1 and 8 rejection under 35 U.S.C 112 first paragraph, stated as "any person who deals with voice communication, or with storage in some memory device, knows that it is **signals that are stored, and it is signals that are retrieved.**"

In response to Applicant argument, Examiner respectfully disagrees, because Applicant is visualizing reports and nothing to do with signals. Applicant is ignored the specification while amending the claims and it is moot to discuss further because the claim has been amended. However, Applicant amendment has no affect because amended claims without support from the current specification.

b) Applicant's argument regarding claims 1-7 and 8-17. rejection under 35 U.S.C 101, stated as "The Examiner states that physical devices are required to

overcome the rejection - but that is satisfied by claim 1 because it at least specifies a display element.”

In response to Applicant argument, Examiner respectfully disagrees, because, again Applicant amended as “display element” and what kind of display it is not clearly known. Applicant has defined in the specification, the visual interface as a software module. Merely using a word “display” will not fully overcome the non-statutory to statutory condition, because every limitation of claim 1 is a software module.

c) Applicant’s argument stated as “Lakritz simply does not teach what applicants claimed.”

In response to Applicant argument, Examiner respectfully disagrees, because claim 1 is rejected under 35 U.S.C. 103 combining Brown, Lakritz and Sattar references. Applicant should argue claim by claim with their limitations and not in general. Applicant’s arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

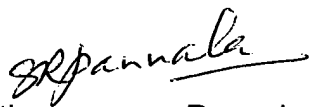
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Sathyanarayan Pannala
Primary Examiner

srp
February 11, 2008